

**RUMSON PLANNING BOARD
REGULAR MEETING
AUGUST 6, 2007
MINUTES**

Chairman Parton called the meeting to order at 7:30 p.m. with the Pledge of Allegiance. The requirements of the Open Public Meetings Act were stated as met. The roll was called, with the following members present: Parton, Rubin, Shanley, York, Casazza, Vaughan, Hewitt, White, Ekdahl, Lospinuso. Also present: Bonnie Heard (T&M Assoc.), Michael Steib (Board Attorney), Fred Andre (Zoning Officer), Karen St. George (State Shorthand).

Approval of Minutes

Mr. York moved to approve the minutes from the June meeting, and Mr. Vaughan seconded. Voice Vote: Ayes, unanimous.

Resolutions

1. Wardell Avenue Subdivision, 41 Wardell Ave. – Approval of 160 day extension for minor subdivision. Moved by Mr. Casazza and seconded by Mr. Shanley.
Roll Call Vote: Ayes – Parton, Rubin, York, Hewitt, Casazza, White, Vaughan, Lospinuso, Shanley, Ekdahl. Nays – None. Motion carried.
2. Birchwood, Inc., 10 Bay St. – approval of 30 day extension for minor subdivision. Moved by Mr. York and seconded by Councilman Rubin.
Roll Call Vote: Ayes – Parton, Rubin, York, Hewitt, Casazza, White, Vaughan, Lospinuso, Shanley, Ekdahl. Nays – None. Motion carried.

Maureen Conley, 112 Avenue of Two Rivers

Mr. Steib noted that this is an informal review to let the applicant bring a concept plan before the Board for review and comments. The Board can make recommendations, and the applicant can apply them to their plan, if appropriate.

Dr. Tomasello was sworn in and stated he is a family physician specializing in geriatrics, and he would be establishing his practice on this property, seeing about five or six patients a day, probably two days per week, and another physician would be practicing psychiatry. The offices would be in operation from 9:00 a.m. to 5:00 p.m., Monday through Friday. There would be seven staff on premises. The prior use of this property was for a hair salon. He believes there are more than enough parking spaces for this practice. There is also street parking on the east side of the street; however, he did not think the use of the street parking would ever be necessary.

The building is 800 sq. ft. There is presently no handicapped parking on site. Ms. Heard stated this would be required if any improvements were proposed. Dr. Tomasello said they were not planning any improvements to the exterior of the building, except for the installation of a ramp at the back entrance. Ms. Heard said this would require a handicapped parking space in this area. Minor interior renovations are planned. Ms. Heard noted that the parking is based on the improvements and overall square footage of the building. The fact that this would be a geriatric practice would mean that a handicapped space should be provided, and this might mean that one parking space could be lost. There is shared parking also available through a lease agreement, according to Dr. Tomasello. Mayor Ekdahl stated that there is borough parking on this site, and Mr. Andre confirmed this. Mr. Vaughan stated it was his experience that there has always been plenty of parking on this site.

Chairman Parton stated that exact number of parking spaces available would be needed for their formal application, and Ms. Heard stated that a minimum number could be decided for their plan.

Mr. Vaughan thinks this would be an improved use.

Mr. Steib noted that the information presented for this informal hearing is very Spartan, and the survey does not show any improvements. He noted that the ordinance makes considerations for this type of application, and he reviewed what would be required for a medical use. If eight spaces are not provided, they might be able to request a waiver because of the nature of the medical practice proposed. If the changes are so minor that no impact would be imposed on the zoning ordinances and planning, they could request a waiver.

Dr. Tomasello noted that much of his practice is on a house-call basis, but he could be using this facility for office visits also, which could affect the parking requirement. He could be there four days per week, which would require additional staff. Chairman Parton noted that the Board needs to consider this application, as well as any future tenant.

Ms. Heard questioned the plan presented, and Dr. Tomasello stated there is another part that has not been shown as yet. Mr. Andre has that plan, which would provide more information, although it is an old site plan. He reviewed the requirements for their formal plan, as noted by the Board, who suggested that an architect may need to be consulted to provide an inclusive plan. All plans needed to be submitted to Mr. Andre and reviewed by T&M Assoc.

Mr. Shanley asked that they also be specific about their hours of operation. He also asked about the requirements for any drugs that are kept on the premises, and Dr. Tomasello stated they were required to keep these in a locked facility.

Dr. Lospinuso stated that the Board should be advised of a description of how the office will function, including how drugs are handled in the office and also how biologics are disposed.

There were no other questions or comments. An updated survey would be needed, and Ms. Heard thinks it would also be helpful if they could meet with Dr. Tomasello to explain what needs to be on the plan. After that, formal plans would need to be submitted to Mr. Andre, and the application could come before the Board.

Paula Schildge, 88 Buena Vista Ave.

Mr. Steib reported that this is also an informal procedure and does not constitute any formal action, but will only provide feedback for their proposal.

Mrs. Schildge explained that they would like to divide one acre of their property on Conover Lane, and the Board was shown a plan that depicts how they propose to achieve this. The application would not comply 100% with the zoning ordinance. They would like to leave an acre for her property, enabling them to maintain her garden and the way the property appears at present, and ask for a variance for the other lot. The house has an existing nonconformity for the side yard. When the new lot would be created, all these conditions would stay the same.

The new lot (8.02) would be one half acre short of the required lot size with adequate frontage. The minimum lot shape would also be deficient (115 sq. ft. required / 44.6 sq. ft. provided). All other side yard and front yard setbacks would stay the same. Mrs. Schildge noted that there are a few undersized

lots in the general area, and one is smaller than the lot she is proposing. They would like to know if the Board would look favorably on this variance for these conditions for this subdivision.

Mrs. Schildge thinks this is a good idea, since it would benefit their family and allow them to continue in the house. It is a large property and a lot to maintain. The house is currently on the market, and the only offer she has received is from a builder who would probably tear it down. She did have another offer from a neighbor to combine part of her rear yard with the neighbor's lot, which would also be unfavorable to her, since it would render her property nonconforming and undesirable, leaving her with no back yard. She would rather be able to remain in the house and retain as much of the property as possible. She does not want to see this home torn down. They would like to know, before they go to the expense of the application, whether the Board would look favorably on having a one-acre parcel in this zone that calls for 1.5 acres and does not conform to the lot shape. Mrs. Schildge has not spoken to any of her neighbors as yet, and Councilman Rubin stated this would be advisable, should she decide to go forward with this application.

A sketch showing the surrounding adjacent property was given to the Board. Mrs. Schildge does not know if the neighbors are still interested in purchasing part of her lot, although it would render her property unlivable and unsaleable, in her opinion. The property behind her garage is treed.

Ms. Heard suggested they look at their property application to try and make the one acre lot more conforming, thereby eliminating problems with coverages, setbacks, etc.

Mayor Ekdahl asked how large a house would be constructed on the proposed lot without creating any additional variances, and the buildable area was described by Ms. Heard.

Chairman Parton thinks there is a problem with subdividing the lots around this area, which would change the nature of the neighborhood.

Erick Schildge, applicant's son, stated that a neighbor to the north has recently put a swimming pool in their yard, and they would not be subdividing this property. Also, he does not think the neighbors on the other side would be subdividing either.

Chairman Parton noted that the Board looks at applications both for the present and also any future potential subdivisions that could occur as a result of this proposal.

Mr. York expressed concerns that if this was approved, he thought the house next door would want to do the same thing, which would definitely change the character of Conover Lane. He agrees that they should look at making it a larger lot to make it more saleable for the future.

Dr. Lospinuso noted that the Board is saying that they would prefer to see a larger proposed lot.

Mr. Vaughan thinks a one-acre lot in a 1.5 acre zone would be a high risk matter. Also, if they go through all the expense, they might get stuck with an unsaleable lot. Mrs. Schildge does not think this would be a problem, and she has consulted experts who have confirmed this.

Mr. York agrees that this would be a gamble for a developer in this market.

Mr. Shanley agrees with the Board's comments and thinks the application should be 1.5 acres for her lot. He thinks they should reduce the size of their lot and increase the size of the new lot.

Chairman Parton reviewed the Board has offered their opinion that a one-acre lot is too small. Dr. Lospinuso noted that the Board tries to uphold the zoning ordinances of the town, and this zone requires a larger lot, which is not present with her proposal and may not get the Board's approval.

Mrs. White commented that she also does not want to lose a 100-year-old house. Mrs. Schildge stated that the house is on the market, and she would prefer to not see it torn down.

Mr. Vaughan does not think this would be a knock-down house, although Mrs. Schildge stated she did hear this from one person.

Councilman Rubin would not be in favor of approving a one-acre lot, and he does not think this would be a good plan. Even if the minimum requirement were provided for the Buena Vista side lot, they would still not be in favor of subdividing lot.

Additional options were mentioned, which Mrs. Schildge said she would be willing to consider. Ms. Heard reviewed that the side yard setbacks are minimum, and the ordinance requires increased setbacks, which would mean an additional variance would be needed. Permitted coverage on different lot sizes should also be considered, and this would include driveway areas.

Mr. Casazza disagrees with the comments heard and thinks getting the property from the neighbor would make more sense. He would like everyone to consider that this is an old house, and he thinks it would be a benefit if this house were not knocked down. He agrees that a one-acre lot is too small, but he thinks the Board should consider something to maintain a home that is of value to the community. Mr. Vaughan thinks the Board might be able to address technical problems with this type of application, so that the house is not lost.

If working with the neighbors does not succeed, Chairman Parton suggested talking with Mr. Andre to see what else might be worked out. Mr. Andre reported that as soon as a nonconforming lot is created, they would need to come before the Zoning Board, and agendas are back logged until November at this time.

Mrs. Schildge was advised to talk to the neighbors, as the Board would prefer to see the house remain on the lot.

Other Business

Mr. Steib reported that the courses for Planning and Zoning are being reviewed, and a response should be received in 2-3 weeks, so the members can schedule time in the fall for these courses.

Ms. Heard reported they met with the Monmouth County Planning Board to go over the Coastal Monmouth questionnaire, which has some minor changes and will be resubmitted. When this draft questionnaire is completed, she will bring it before the Board.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 8:40 p.m.

The next meeting: **September 10, 2007.**

Respectfully submitted,

Patricia Murphy